IN RE:

PETITION FOR VARIANCE

W/S Offutt Road, 305' S of

the c/l of Liberty Road

(3508 Offutt Road)
2nd Election District
1st Councilmanic District

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 96-356-A

Eunice Katherine Jones

Petitioner \* \* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3508 Offutt Road, located in the vicinity of Liberty Road in Randallstown. The Petition was filed by the owner of the property, Eunice Katherine Jones, and the Contract Purchaser, Paul D. Farace. The Petitioners seek relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side and rear yard setbacks of 0 feet each in lieu of the minimum required 30 feet for each, for a proposed automotive service garage. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Paul Farace, Contract Purchaser, and Stanley Jones, who appeared on behalf of his mother, Eunice Jones, owner of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .227 acres, more or less, zoned B.R. and is improved with a two-story frame dwelling. The Contract Purchaser is desirous of razing the dwelling and constructing a building, 50' x 90' in dimension, for use as an auto body and fender repair shop. Testimony indicated that Mr. Farace currently operates an auto body and fender business around the corner from this property and his lease is due to expire. Mr. Farace would like to

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Date
Date
Date

ORDER RECEIVED FOR FILLING

relocate his business to the subject site; however, due to the narrow configuration of the lot, the requested variance is necessary.

In response to the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning, dated April 3, 1996, testimony indicated that Mr. Farace has operated his auto body and fender business in this neighborhood for several years. He only wishes to relocate his business to the subject site, and thus, no additional automotive uses are being proposed for this area. Given the fact that there was no opposition by any adjoining property owner and the relief requested meets the spirit and intent of the zoning regulations, the variance should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special



circumstances or conditions exist that are peculiar to the land which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not result in any detriment to the health, safety or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of May, 1996 that the Petition for Variance seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side and rear yard setbacks of 0 feet each in lieu of the minimum required 30 feet for each, for a proposed automotive service garage, in accordance with Petitioner's Exhibit 1, be and is hereby CRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

Marger Laed

- 3-

ORDER RECEIVED FOR FILING
Date

# fition for Variance

*	to the Zoning Comm	issio	er of B	altimore (	County
	for the property located at	3508	Offutt	Road	·
96	-356-A		which is I	resently zoned	n <sub>1</sub>

This Petition shall be filed with the Department of Permits & Development Management The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached bereto and made a part hereof, hereby petition for a Variance from Section(s) 236.2 hereto and made a part hereof, hereby petition for a Variance from Section(s)

To allow side & rear yard setbacks of zero feet in lieu of the minimum required 30 feet each.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Lot size is 75' wide by 133' deep (+/-). BR set backs restrict building width to 15 feet, not practical for commercial use, Reguest building size of 50'x100', Therefore, only practical solution is zero side 4 rear setbacks. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Printed with Soybean Inh on Recycled Paper Rovisor 9/5/95			AL OTHE	Next 1	wo Months
			ESTIMATED LENGTH OF HEARING	ICE USE ONLY	li_
City	State	Z <sub>1</sub> pcode	Address	Phone No	<del></del>
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Signature	***************************************	· · · · · · · · · · · · · · · · · · ·	Randalls to wa	Md 2113 3 State representative to be contacted.	Zincode
(Type or Print Name)			3 Sheraton Ro Address	d. 655-47	09_
Attorney for Petitioner		1-4770	<del>Gryman</del> C		7/
Towson ,	State Z	2/28G	Signature	ودوست ونشوه و محمد مشهور والمداد مشهور والمداد	- 35°
1320 HAA	et RI	<u> </u>	(Type or Print Name)	<u> </u>	
Signature A	l Car	alf	(Type or Print Name)  Decrees X at	hour Soil	·
Type or Print Name)	AVZACLE X	-	VEUNIEE K	BTHERWE	JONES
Contract Burchaser/Lessee:			legal owner(s) of the property which is Legal Owner(s)	s the subject of this Petition	
			I/We do solemnly declare and affirm	, under the penalties of perjury, t	nat I/we are the

353

## P.E.L.A. DESIGN. INC.

1025 ST. PAUL STREET, SUITE 301, BALTIMORE, MD 21202 TEL: 410-332-0133 FAX: 410-332-0135

96-356-A

Zoning Description For 3508 Offutt Road

Beginning at a point on the west side of Offutt Road which is 30 feet wide at the distance of 305 feet south of the centerline of the nearest improved intersecting street, Liberty Road, which is 66 feet wide. Thence the following courses and distances:

S 49°-29' E, 133.08 ft, S 44°-29' W, 75.00 ft, N 47°-29' W, 131.02 ft, and N 42°-45' E, 75.00 ft to the place of beginning as recorded in Deed Liber 1581, Folio 460,

containing 0.227 acres. Also known as 3508 Offutt Road and located in the 2nd Election District, 1<sup>st</sup> Council District.



ZONING DEPARTMENT OF BALTIMORE COUNTY 96-356-A CERTIFICATE OF POSTBIG Towner, Maryland

RIL 19 HEAR E SONES OB OFFUTT	RING-
	e of return:
Number of Signer	

MOTOR OF HEADER

1

The Zoung Country by rainfurny of the Zoning Country by rainfurny of the Zoning Act and Regulations of Bellinner County will hold a public hearing on the property identified therein in Room 106 of the County of fice Building, 111 W. Chespeale Avenue in Towson, Mayland 21204 or Room 118, Old Counthouse, 400 Washington Avenue, Towson, Mayland 21204 as follows:

Case: #96-356-A (Ten 353)
3508 Offurt Road: 305' S of cfl
Liberry Road: 205' S of cfl
Liberry Road: 2nd Becking District
1st Councilmani:
Leaf Owner(s):
Emirce Katherine Jones:
Contract: Puchase: Paul D.
Eriane: U allow size and part yard settenchs of zero feet in lev of the maintrum required 30 feet each.
Hearing: Friday, April 19, 1956 at 10,00 a.m. in Rm.
105, County Office Building.

LAWRENCE SCHMIDT
Zoning Commissioner for
Baltimore Colmy
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3553.
(2) For information concerning the File and/or Hearing.
Please Call 887-3391.

4/053 April 4 c41989

CERTIFICATE OF PUBLICATION

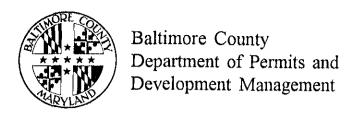
TOWSON, MD.,

weeks, the first publication appearing on \_ published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_ THIS IS TO CERTIFY, that the annexed advertisement was successive . 19*9*C.

THE JEFFERSONIAN,

EGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND FFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	tem No. 96-356
DATE 3-19-96 ACCOUNT B	
RECEIVED P.E.L. A.  PROM: # 020 - Com in everal Vani	
Owner - E.K. Jones	110: 75 Feffer 18 8.5. 20
CONTYALT PUNCHAGES TO DISTANCE TO VALIDATION OR SIGNATURE VALIDATION OR SIGNAT	14-17-70



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

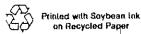
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come 2) from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD	JABLON,	DIRECTOR
		· · · · · · · · · · · · · · ·	
For newspaper advertising:			
Item No.: 353	•		
Petitioner: Paul Farrace			
Location: 3508 Offutt Roa	ed_		·
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: Pauls Body Shops In	<u>U</u>		
ADDRESS: 9043 Liberty Poud	<del></del>		
Randallstown	mo	2!	1133
PHONE NUMBER: 410-521-4770	7	_	



AJ:qqs

TO: PUTUXENT PUBLISHING COMPANY
April 4, 1996 Issue - Jeffersonian

Please foward billing to:

Keith Truffer, Esq. Royston, Mueller, MCLean & Reid 102 W. Pennsylvania Avenue, Suite 600 Towson, Maryland 21204 823-1800

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-356-A (Item 353)

3508 Offutt Road

W/S Offutt Road, 305' S of c/l Liberty Road 2nd Election District - 1st Councilmanic Legal Owner: Eunice Katherine Jones Contract Purchaser: Paul D. Farace

Variance to allow side and rear yard setbacks of zero feet in lieu of the minimum required 30 feet each.

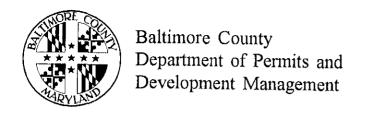
HEARING: FRIDAY, APRIL 19, 1996 at 10:00 a.m. in Room 106, County Office.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

March 29, 1996

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-356-A (Item 353)

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Variance to allow side and rear yard setbacks of zero feet in lieu of the minimum required 30 feet each.

HEARING: FRIDAY, APRIL 19, 1996 at 10:00 a.m. in Room 106, County Office.

Arnold Jablon Director

cc:

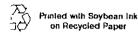
Euncie Katherine Jones

Paul D. Farace

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.







Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 12, 1996

Ms. Eunice Katherine Jones 3 Sharaton Road Randallstown, MD 21133

RE: Item No.: 353

Case No.: 96-356-A

Petitioner: Eunice K. Jones

Dear Ms. Jones:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw
Attachment(s)





David L. Winstead Secretary Hal Kassoff Administrator

3-29-96

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County RE:

Item No. 353/JJS

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief Engineering Access Permits

BS/es

Maria (2011)

My telephone number is \_

## BALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

T0:

ZADM

DATE: 3-28-96

FROM:

DEPRM

Development Coordination

SUBJECT:

Zoning Advisory Committee Agenda: Meetry of 4/1/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

LS:sp

LETTY2/DEPRM/TXTSBP

#### Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

DATE: 04/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: EUNICE KATHERINE JONES

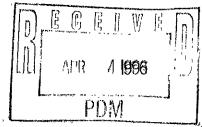
Location:W/S OFFUTT RD.305' S OF CENTERLINE LIBERTY RD.(3508 DFFUTT RD.)

Item No.: 353
Gentlemen:

Zoning Agenda: VARIANCE

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



MICROFILMED

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon,	Director, PDM	DATE:	April 3,	1996	
FROM: Arnold F. "Pa	at" Keller, III, Director, OP				
SUBJECT: 3508 Offut	tt Road				
INFORMATION:					
Item Number:	353				
Petitioner:	Jones Property			<del></del>	
Property Size:					
Zoning:	BR			<u></u>	
Requested Action:	Variance				
Hearing Date:/					
SUMMARY OF RECOMMEND	DATIONS:				

The subject site is located in the Liberty Road Revitalization Area and is within a Community Conservation Area. The Liberty Road Revitalization Area 1990 Action Plan Update discourages automotive related uses in the plan area.

A site visit revealed the applicant's property is located immediately adjacent to a nursing home, and residentially used properties are located in close proximity to the subject site.

In keeping with the stated goal of the Liberty Road Revitalization Area 1990 Action Plan Update regarding the discouragement of automotive related uses, the Office of Planning believes that such a use at this particular property is inappropriate. In addition to a conflict with the Plan, it is our position that a reduction to the required setback would only exacerbate the impact of the use on adjacent properties. It is for the reasons stated above that this office recommends the applicant's request be denied.

Prepared by:

Division Chief:

PK/JL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 5, 1996

Department of Permits & Development

Management

FROM:

hobert W. Bowling, Chief evelopment Plans Review Division Department of Permits & Development

Management

SUBJECT:

Zoning Advisory Committee Meeting

For April 8, 1996

Item No. 353

The Development Plans Review Division has reviewed the subject zoning item. This site is subject to the Baltimore County Development Regulations adopted in 1988 and updated February, 1992.

A Schematic Landscape Plan must be submitted. Approval of the requested variances should be contingent upon the Meridian Nursing Home permitting landscaping on their property adjacent to the proposed building.

RWB:HJO:jrb

cc: File

TWICE WILLIAMS

ZONE5B

RE	: PETI!	PION F	OR VAR	IANCE			*		BEFORE (	PHE		
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				,			*		OF BALT	IMORE	COUNTY	
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Contract Purchaser: Paul D. Farace * CASE N						CASE NO	. 96-3	156-A				
Petitioners												
*	*	*	*	*	*	*	*	*	*	*	*	

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

arole 5, Semelio

Eter Max Zinneman

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18 day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Eunice Katherine Jones, 3 Sheraton Road, Randallstown, MD 21133, Legal Owner; and to Paul D. Farace, 1320 Hart Road, Towson, MD 21286, Contract Purchaser; Petitioners.

DETTED MAY ZIMMEDMAN



leter Max Zimmeinan

## PETITION PROBLEMS

### #353 -- JJS -

- 1. Need original signature for legal owner.
- 2. Need original signature for contract purchaser.

#### #354 --- JRA

1. Receipt not given to petitioner - still in folder.

#### #356 --- JJS

- 1. No telephone number for legal owner.
- 2. Only 1 receipt for item #356 & 357.

### #357 --- JJS

- 1. No telephone number for legal owner.
- 2. Only 1 receipt for item #357 & 356.

## #358 --- JLL

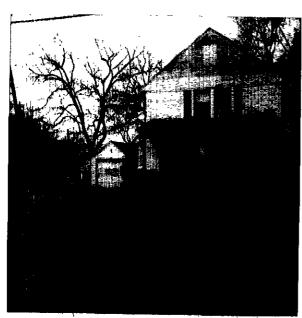
1. No telephone number for legal owner.

#### #360 --- JJS

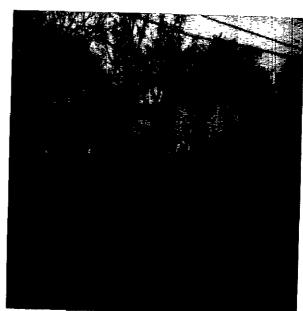
1. No zoning classification on petition form.

#### #361 --- JJS

1. No zoning classification on petition form.



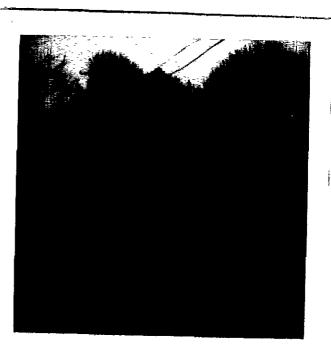
Duelling + shed tobe 353 Razed.



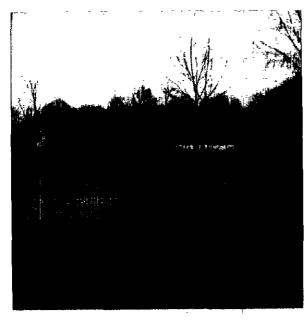
Dwolling shed 353



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VENAB Includit Sessional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

Robert A. Hoffman

(410) 494-6262

October 27, 1995

VENABLE

Arnold Jablon, Director
Office of Permits and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. R-94-332

This firm represents Nace, inc., the many of the 3, a product Comments owned by Haltimon the product Comments open of the Order issue the interest of the Alling With the Reisterstown Rose and grant of the Alling With the largest and one of the order and the alling with the largest and one of the order.

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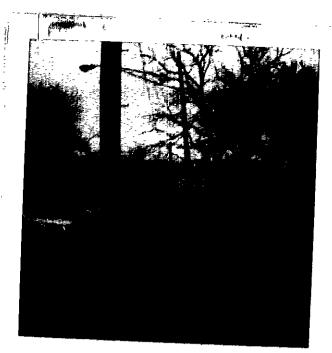
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# 96-356-A



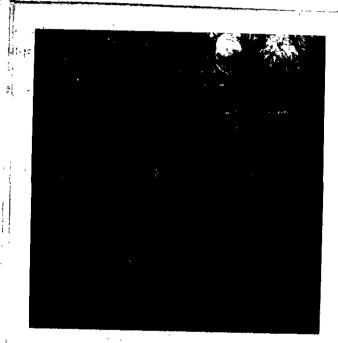
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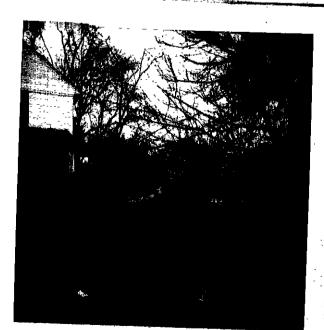
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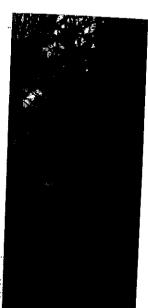
353



Closest 353



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213,00

MCROTHAES

VENABLE, BAETJER AND HOWARD, LLP Including professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147



70: MJK 10

October 27, 1995

Arnold Jablon, Director
Office of Permits and Development
Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: <u>Case No. R-94-332</u> Nace, Inc., Petitioner

Dear Mr. Jablon:

This firm represents Nace, Inc., the owner of Lot No. 3, a province of Lot No. 3, a province of Baltimore Gas & Electric Company on Owings Mills Boundesterstown Road. I enclose for your review a copy of the Order is referenced case granting a reclassification from DR-1 to MLIM alor documented site plan.

I am writing to ask that you please confirm that if the owner mini-warehouses in the configuration shown on the attached red-lin documented site plan, that it is consistent with the approval in the realthough it is completely clear from the documented site plan that permitted, there is a slight modification to the building envelope course the floor area of the buildings do not exceed the square footage of the plan. Of course, the buildings would comply architecturally with Course,

Thank you for your attention to this issue. I have enclosed letter and a check for \$40.00 in accordance with your policy.

Yours truly

Robert A. Hoffman

#### Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

May 16, 1996

(410) 887-4386

Ms. Eunice Katherine Jones 3 Sheraton Road Randallstown, Maryland 21133

RE: PETITION FOR VARIANCE

W/S Offutt Road, 305' S of the c/l of Liberty Road

(3508 Offutt Road)

2nd Election District - 1st Councilmanic District

Eunice Katherine Jones - Petitioner

Case No. 96-356-A

Dear Ms. Jones:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Paul D. Farace 1320 Hart Road, Towson, Md. 21286

People's Counsel

File

IN RE: PETITION FOR VARIANCE W/S Offutt Road, 305' S of the c/l of Liberty Road (3508 Offutt Road) 2nd Election District 1st Councilmanic District Eunice Katherine Jones

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

→ OF BALTIMORE COUNTY \* Case No. 96-356-A

Petitioner \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3508 Offutt Road, located in the vicinity of Liberty Road in Randallstown. The Petition was filed by the owner of the property, Eunice Katherine Jones, and the Contract Purchaser, Paul D. Farace. The Petitioners seek relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side and rear yard setbacks of 0 feet each in lieu of the minimum required 30 feet for each, for a proposed automotive service garage. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Paul Farace, Contract Purchaser, and Stanley Jones, who appeared on behalf of his mother, Eunice Jones, owner of the property. There were no Protestants

Testimony and evidence offered revealed that the subject property consists of .227 acres, more or less, zoned B.R. and is improved with a two-story frame dwelling. The Contract Purchaser is desirous of razing the dwelling and constructing a building, 50' x 90' in dimension, for use as an auto body and fender repair shop. Testimony indicated that Mr. Farace currently operates an auto body and fender business around the corner from this property and his lease is due to expire. Mr. Farace would like to

relocate his business to the subject site; however, due to the narrow configuration of the lot, the requested variance is necessary.

In response to the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning, dated April 3, 1996, testimony indicated that Mr. Farace has operated his auto body and fender business in this neighborhood for several years. He only wishes to relocate his business to the subject site, and thus, no additional automotive uses are being proposed for this area. Given the fact that there was no opposition by any adjoining property owner and the relief requested meets the spirit and intent of the zoning regulations, the variance should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result circumstances or conditions exist that are peculiar to the land which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not result in any detriment to the health, safety or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $e^{rn}$  day of May, 1996 that the Petition for Variance seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side and rear vard setbacks of 0 feet each in lieu of the minimum required 30 feet for each, for a proposed automotive service garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> 2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect.

> 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

> > Deputy Zoning Commissioner for Baltimore County

CERTIFICATE OF POSTING ZOHING DEPARTMENT OF BALTIMORE COUNTY 96-356-A

District ZND	Λ <i>Ω</i> Β11	19 11-0	Date of Posting	4/2/06
		JONE S OFFUT	Date of Posting	
Location of Signe				
lemarks:	Ω.I.			

NOTICE OF HEARING

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on 4/4, 1996

THE JEFFERSONIAN,

Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

(410) 887-4386

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

May 16, 1996

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

TIMOTHY M. KOTROCO

for Baltimore County

luthy Hotroco

Deputy Zoning Commissioner

above-captioned matter. The Petition for Variance has been granted in

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact the Zoning Administration and Development

W/S Offutt Road, 305' S of the c/l of Liberty Road

2nd Election District - 1st Councilmanic District

Eunice Katherine Jones - Petitioner

1320 Hart Road, Towson, Md. 21286

Suite 112 Courthouse 400 Washington Avenue

Towson, MD 21204

3 Sheraton Road

Dear Ms. Jones:

Ms. Eunice Katherine Jones

Randallstown, Maryland 21133

RE: PETITION FOR VARIANCE

(3508 Offutt Road)

Case No. 96-356-A

accordance with the attached Order.

Management office at 887-3391.

cc: Mr. Paul D. Farace

People's Counsel

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNO	LD JABLON, DIRECTOR
For newspaper advertising:	
Item No.: 353	
Petitioner: Paul Farrace	
Location: 3508 Offutt Road	
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: Pauls Body Shope Inc	
ADDRESS: 9043 Liberty Road	
Randolls town, m	0 21133
PHONE NUMBER: 410-521-4770	

Printed with Soybean Ink on Recycled Paper Prised 9/5/95

EUVICE KATHERINE JONES 3 Sherates Rd. 655-4709
Address Phone No. Randalls to was Md 21133

which is presently zoned BR

P.E.L.A. DESIGN, INC.

1025 ST. PAUL STREET, SUITE 301, BALTIMORE, MD 21202 TEL: 410-332-0133 FAX: 410-332-0135 96-356-A

Zoning Description For 3508 Offutt Road

Beginning at a point on the west side of Offutt Road which is 30 feet wide at the distance of 305 feet south of the centerline of the nearest improved intersecting street, Liberty Road, which is 66 feet wide. Thence the following courses and distances:

> S 49°-29' E, 133.08 ft, S 44°-29' W, 75.00 ft, N 47°-29' W, 131.02 ft, and N 42°-45' E, 75.00 ft to the place of beginning as recorded in Deed Liber 1581, Folio 460,

containing 0.227 acres. Also known as 3508 Offutt Road and located in the 2nd Election District, 1 st Council District.

PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, URBAN DESIGN

(Revised 04/09/93)

restrict building width to 15 feet, not practical for canmercial use, Request building size of 50' × 100'; Therefore, only practical solution is zero side 4 rear setbacks. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the principles of perjury, that there are the

Petition for Variance

for the property located at 3508 Offutt Road

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or

Lot size is 75' wide by 133' deep (1/2). BR set backs

This Petition shall be filed with the Department of Permits & Development Management

To allow side & rear yard setbacks of zero feet in lieu of the minimum

96-356-A

required 30 feet each.

to the Zoning Commissioner of Baltimore County

Case: #96-356-A (fitem 353) 3508 Offatt Road W/S Offatt Road, 305' S of cl Liberty Road 2nd Election District 1st Councilmanic .egal Owner(s): Eunice Katherie Jones noticet. Electiones Road Road in lieu of the minimum re-quired 30 leet each. Hearing: Friday, April 19, 1996 at 10:00 a.m. in Rm.

Printed with Soybean Ink on Recycled Paper

Department of Permits and

TO: PUTUXENT PUBLISHING COMPANY April 4, 1996 Issue - Jeffersonian

Please foward billing to:

Keith Truffer, Esq. Royston, Mueller, MCLean & Reid 102 W. Pennsylvania Avenue, Suite 600 Towson, Maryland 21204 823-1800

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-356-A (Item 353) 3508 Offutt Road W/S Offutt Road, 305' S of c/l Liberty Road 2nd Election District - 1st Councilmanic Legal Owner: Eunice Katherine Jones Contract Purchaser: Paul D. Farace

Variance to allow side and rear yard setbacks of zero feet in lieu of the minimum required 30 feet each.

HEARING: FRIDAY, APRIL 19, 1996 at 10:00 a.m. in Room 106, County Office.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

March 29, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Variance to allow side and rear yard setbacks of zero feet in lieu of the minimum required 30 feet each.

HEARING: FRIDAY, APRIL 19, 1996 at 10:00 a.m. in Room 106, County Office.

Armold Jablon

Printed with Soybean Ink on Recycled Paper

cc: Euncie Katherine Jones Paul D. Farace

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

April 12, 1996

Ms. Eunice Katherine Jones 3 Sharaton Road Randallstown, MD 21133

> RE: Item No.: 353 Case No.: 96-356-A Petitioner: Eunice K. Jones

Dear Ms. Jones:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 5, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Development Coordination

Zoning Advisory Committee

355

Zoning Supervisor

DATE: 3-28-96

Attachment(s)

Maryland Department of Transportation

David L. Winstead Secretary Hal Kassoff Administrator

3-29-96

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

BALTIMORE COUNTY, MARYLAND

Arnold Jablon, Director

Mobert W. Bowling, Chief

SUBJECT: Zoning Advisory Committee Meeting

For April 8, 1996

Item No. 353

RWB:HJO:jrb

cc: File

Management

Management

Department of Permits & Development

Milevelopment Plans Review Division

Department of Permits & Development

Regulations adopted in 1988 and updated February, 1992.

INTEROFFICE CORRESPONDENCE

The Development Plans Review Division has reviewed the subject

A Schematic Landscape Plan must be submitted. Approval of the

zoning item. This site is subject to the Baltimore County Development

requested variances should be contingent upon the Meridian Nursing Home

permitting landscaping on their property adjacent to the proposed building.

Date: April 5, 1996

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Ronald Burns, Chief

Engineering Access Permits

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: April 3, 1996 TO: Arnold Jablon, Director, PDM FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 3508 Offutt Road

INFORMATION:

Property Size:

Item Number: Petitioner:

Zoning: Requested Action:

SUMMARY OF RECOMMENDATIONS:

The subject site is located in the Liberty Road Revitalization Area and is within a Community Conservation Area. The Liberty Road Revitalization Area 1990 Action Plan Update discourages automotive related uses in the plan area.

A site visit revealed the applicant's property is located immediately adjacent to a nursing home, and residentially used properties are located in close proximity to the subject site.

In keeping with the stated goal of the Liberty Road Revitalization Area 1990 Action Plan Update regarding the discouragement of automotive related uses, the Office of Planning believes that such a use at this particular property is inappropriate. In addition to a conflict with the Plan, it is our position that a reduction to the required setback would only exacerbate the impact of the use on adjacent properties. It is for the reasons stated above that this office recommends the applicant's request be denied.

Baltimore County Government Fire Department

Office of the Fire Marshal (410)887-4880

DATE: 04/02/96

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

700 East Joppa Road Towson, MD 21286-5500

RE: Property Owner: EUNICE KATHERINE JONES

Location:W/S OFFUTT RD.305' S CF CENTERLINE LIBERTY RD.(3508 OFFUTT RD.)

Zoning Agenda: VARIANCE

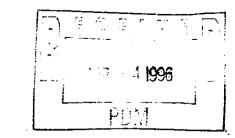
Item No.:/353

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

LETTY2/DEPRM/TXTSBF

LS:sp

# PETITION PROBLEMS

## #353 --- JJS

Need original signature for legal owner.
 Need original signature for contract purchaser.

## #354 --- JRA

Receipt not given to petitioner - still in folder.

## #356 --- JJS

1. No telephone number for legal owner.

2. Only 1 receipt for item #356 & 357.

## #357 --- JJS

No telephone number for legal owner.

2. Only 1 receipt for item #357 & 356.

## <u>#358 --- JLL</u>

No telephone number for legal owner.

## #360 --- JJS

No zoning classification on petition form.

## #361 --- JJS

No zoning classification on petition form.

RE: PETITION FOR VARIANCE 3508 Offutt Road, W/S Offutt Road, 305' S of c/l Liberty Road ZONING COMMISSIONER 2nd Election District, 1st Councilmanic OF BALTIMORE COUNTY Legal Owner: Eunice Katherine Jones Contract Purchaser: Paul D. Farace 

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

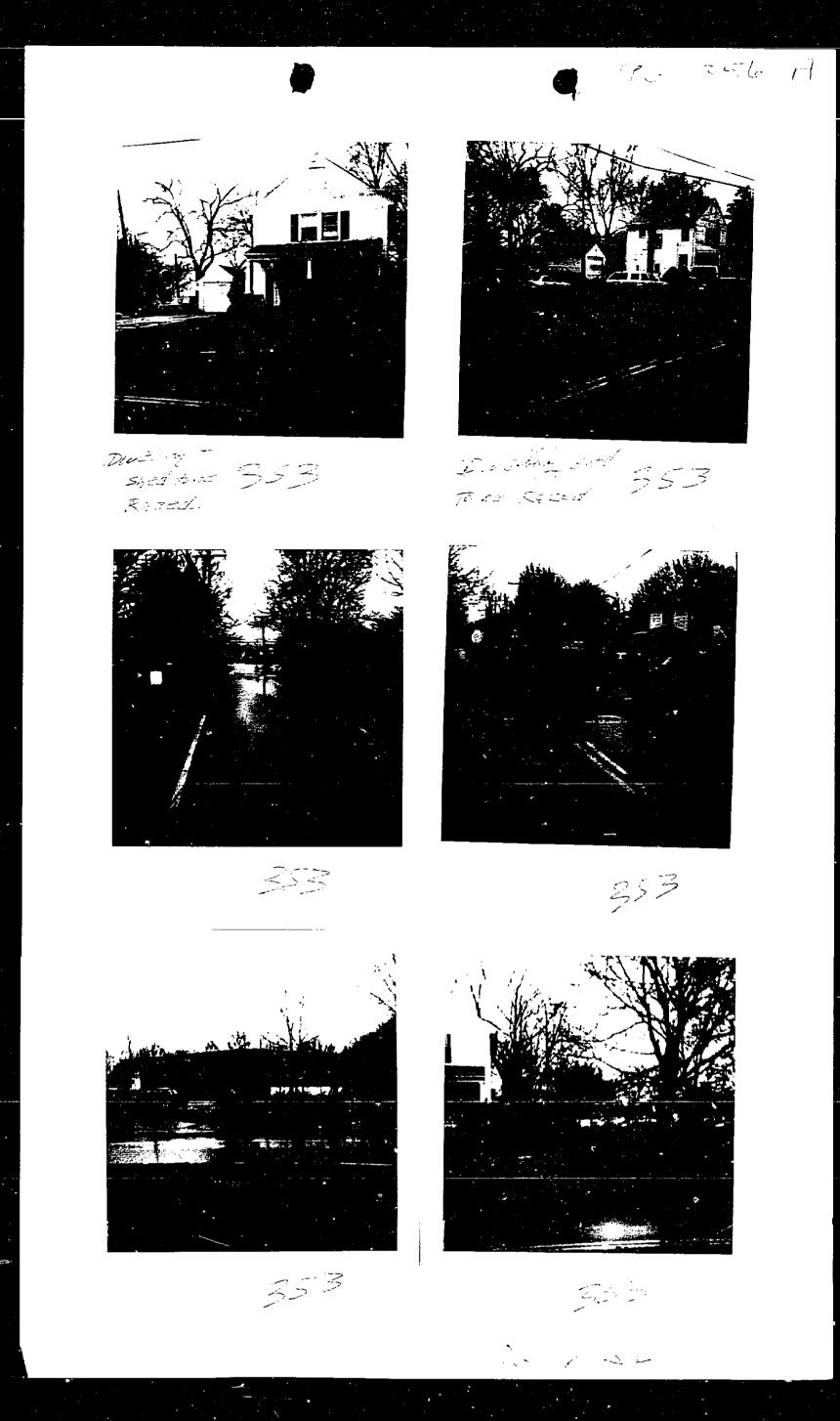
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

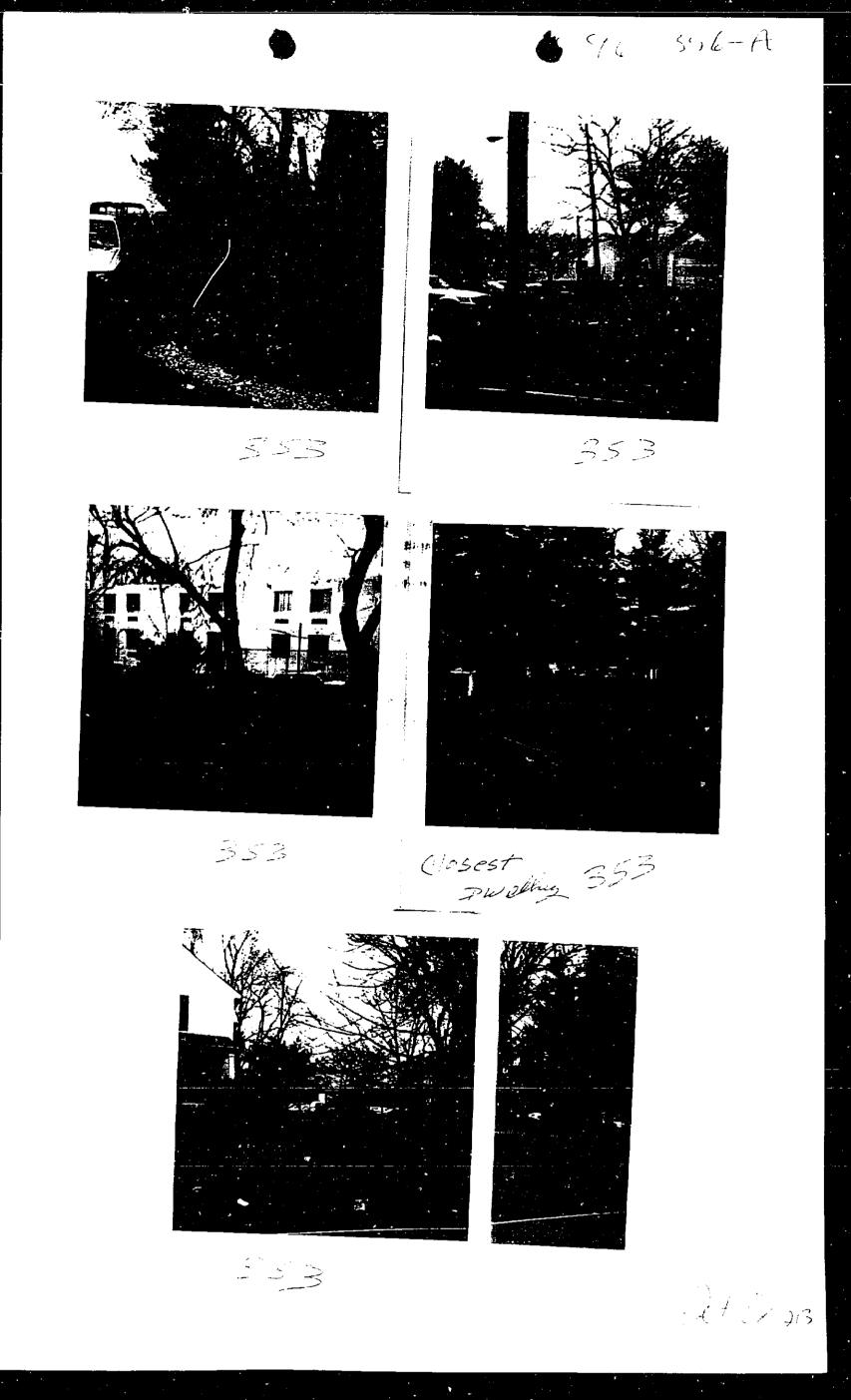
Charles of many CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

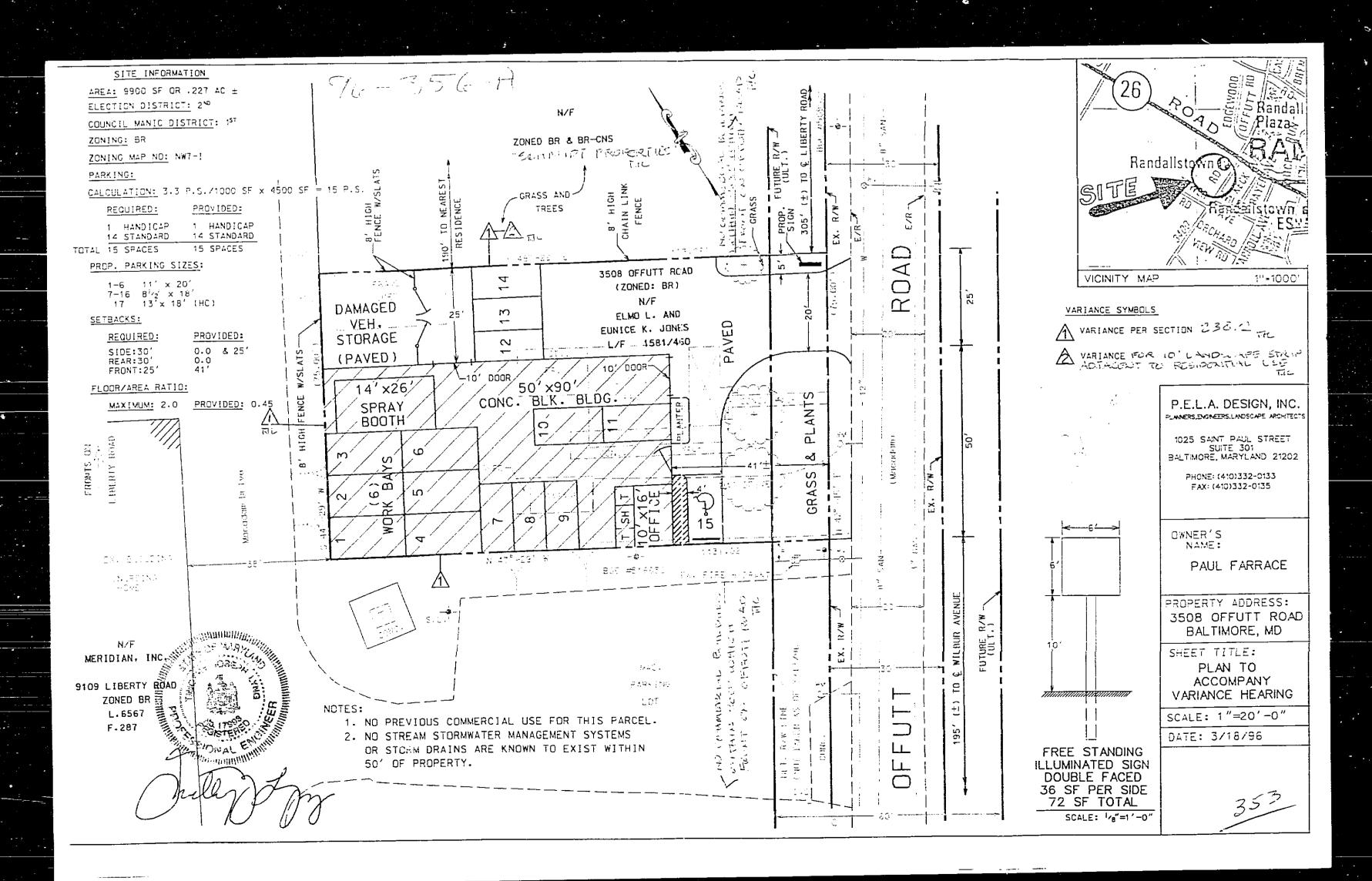
## CERTIFICATE OF SERVICE

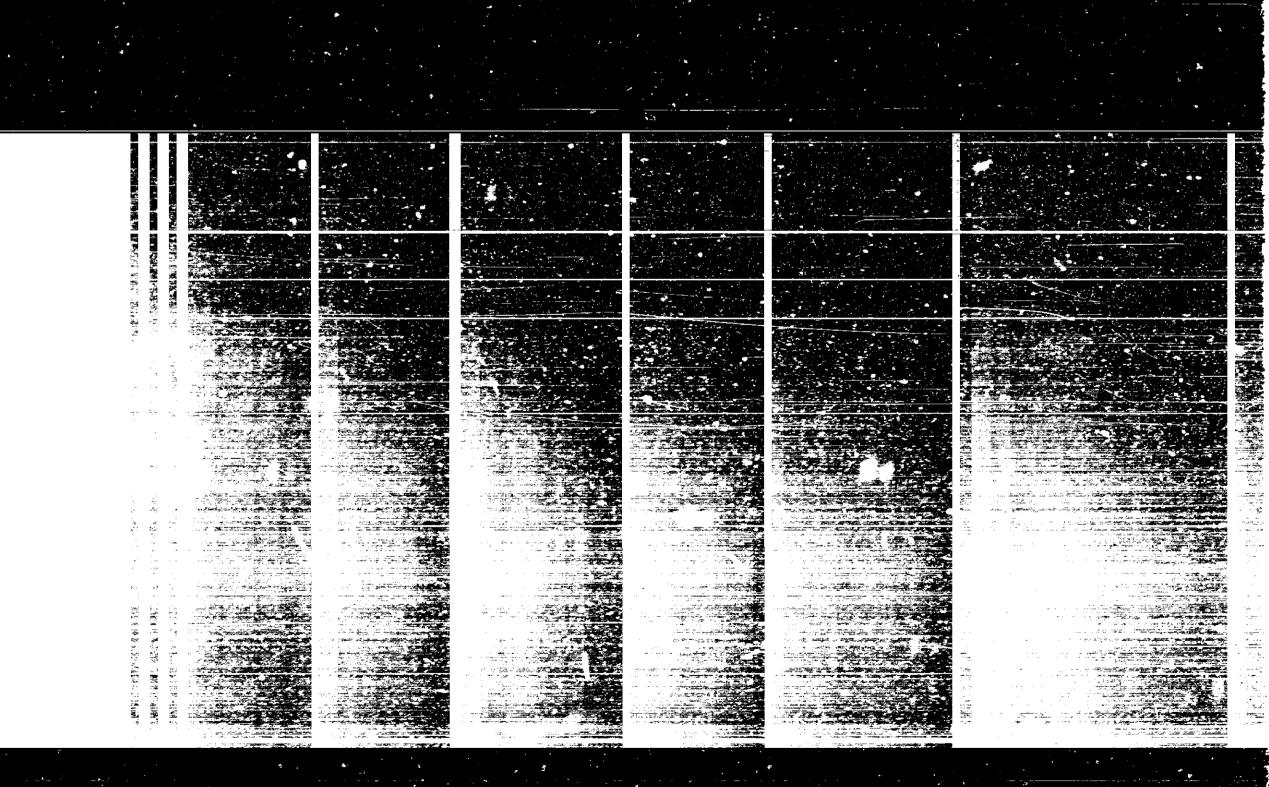
I HEREBY CERTIFY that on this day of April, 1996, a copy of the foregoing Entry of Appearance was mailed to Eunice Katherine Jones, 3 Sheraton Road, Randallstown, MD 21133, Legal Owner; and to Paul D. Farace, 1320 Hart Road, Towson, MD 21286, Contract Purchaser; Petitioners.

PETER MAX ZIMMERMAN









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